

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Claim 1 has been amended to further distinguish the claimed invention from the prior art of record, and claims 1 and 7 have been amended in order to overcome the 35 U.S.C. §112 rejections discussed in detail below.

Support for these amendments can be found, at least, in paragraphs [0017], [0034] and [0041] of the publication of the present application (see U.S. 2007/0105015).

II. 35 U.S.C. § 112, First Paragraph Rejection

Claims 1, 3-7, 10 and 11 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Specifically, claim 1 was rejected for reciting “wherein the positive electrode and the negative electrode of the power generating element for a current collector,” which is allegedly not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s) as the time of filing the application had possession of the claimed invention.

Claim 1 has been amended to clarify that “the positive electrode and the negative electrode of the power generating element include current collectors, respectively.” The Applicants note that in item 5 on page 2 the Examiner essentially agreed that the above-noted amendment would overcome this 35 U.S.C. § 112, first paragraph rejection.

As such, it is respectfully submitted that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom now satisfy the enablement requirement set forth by 35 U.S.C. § 112, first paragraph. Therefore, withdrawal of this rejection is respectfully requested.

III. 35 U.S.C. § 112, Second Paragraph Rejection

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph for being indefinite for reciting “plurality of members.” Claim 7 has been slightly amended to clarify that the “member further comprises a center part between the first side part and the second side part.” Support for this amendment can be found, at least, in paragraphs [0020], [0034] and [0040] of the publication of the present application.

The Applicants would like to emphasize that, since the specification clearly describes that the member is comprised of a center part located between the first and second side parts, claim 7 clearly recites subject matter described in the specification and as a result is not indefinite. Therefore, withdrawal of this rejection is respectfully requested.

IV. 35 U.S.C. § 102 Rejection

Claims 1 and 3, 4, 6, 7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kim (U.S. 2004/0126650). This rejection is believed clearly inapplicable to amended independent claim 1 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 is directed to a battery, wherein a positive electrode and the negative electrode of a power generating element form a current collector, wherein the current collector includes an active material coating portion and an active material non-coating portion, wherein a member comprises resin and includes a first side part and a second side part,

such that a distance between an outer side face of the first side part and an outer side face of the second side part is designated as D2 and wherein the member and includes a void between the first side part and the second side part, such that the void of the member sandwiches the lead and the active material non-coated portion of the current collector extending beyond the active material coating portion of the current collector. Kim fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Rather, Kim merely teaches that a dielectric layer of air, which was previously equated with the claimed “member,” is included (see Fig. 6A, and item 8 on page 3 of the Office Action).

Thus, in view of the above and as acknowledged by the Examiner, Kim merely teaches that the “member” is formed of a dielectric layer of air, which is completely different from the member comprising the resin and including the first side part and the second side part, such that the distance between the outer side face of the first side part and the outer side face of the second side part is designated as D2, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are not anticipated by Kim.

Furthermore, there is no disclosure or suggestion in Kim or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Kim to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are clearly allowable over the prior art of record.

V. 35 U.S.C. § 103(a) Rejection

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable Kim. As discussed above, Kim does not disclose or suggest the invention recited in claim 1. Claims 3-7, 10 and 11 depend on claim 1. Therefore, Kim also does not disclose or suggest the invention recited in claims 3-7, 10 and 11. Thus, at least, due to their dependence on claim 1, claims 3-7, 10 and 11 would not have been obvious in view of Kim.

VI. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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